

City Council Introduction: **Monday**, April 22, 2002
Public Hearing: **Monday**, April 29, 2002, at **5:30 p.m.**

Bill No. 02R-87

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 622E**, an amendment to the **LAKESIDE VILLAGE COMMUNITY UNIT PLAN**, requested by Mark Hunzeker on behalf of Lakeside Partners, L.L.C., to increase the maximum allowable height from 35 feet to 36.5 feet in order to allow 9 ft. ceilings on the third floor of the apartment buildings, on property generally located at West "S" Street and Lakeside Drive.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: None

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 2/06/02
Administrative Action: 2/06/02

RECOMMENDATION: Conditional approval (7-0: Bills, Carlson, Duvall, Krieser, Newman, Steward and Taylor voting 'yes'; Hunter and Schwinn absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4, concluding that the requested waiver to increase the maximum height to 36.5 feet is compatible with surrounding development and thus in conformance with the Comprehensive Plan.
2. This application was placed on the Consent Agenda of the Planning Commission on February 6, 2002, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 15, 2002

REVIEWED BY: _____

DATE: April 15, 2002

REFERENCE NUMBER: FS\CC\2002\SP.622E

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #622E
Lakeside Village Community Unit Plan

DATE: January 22, 2002

PROPOSAL: To increase the maximum allowable height from 35 feet to 36.5 feet in order to allow 9 foot ceilings on the third floor of the apartment buildings.

WAIVER REQUEST: Waiver of §27.17.080(a) and §27.19.080(a) to allow a maximum height of 36'5".

LAND AREA: 31.5 acres, more or less

CONCLUSION: In conformance with the Comprehensive Plan, the requested waiver to increase the maximum height to 36.5 feet is compatible with surrounding development.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1, 2, outlot B, Lakeside Village addition, and a portion of the vacated 'S' Street, located in Section 21, T10N, R6E in the 6th principal meridian, Lancaster County, Nebraska.

LOCATION: Generally located at West S Street and Lakeside Drive.

APPLICANT: Lakeside Partners, L.L.C.
1225 L Street, Suite 501
Lincoln, NE 68508

OWNER: Same

CONTACT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402)476-7621

EXISTING ZONING: R-4 and R-5, Residential.

EXISTING LAND USE: Multi-family dwelling units.

SURROUNDING LAND USE AND ZONING:

North:	Interstate	AG, Agricultural
South:	Single, two and Multi-family housing	R-4
East:	Single family and townhouses	R-4and R-2
West:	Interstate	AG and R-2

HISTORY: On **November 10, 1997**, City Council approved Special Permit #622D to amend Lakeside Village Community Unit Plan to increase the approved density from 320 to 352 dwelling units and to revise the building configuration to consist of 8 structures located at Lakeside Drive and W. S Street.

On **April 10, 1995**, City Council approved Special Permit #622C for Western Manor Community Unit Plan consisting of 11 townhouse units in two structures located at N.W. 17th and W. S Street.

On **September 12, 1994**, City Council approved Special Permit #622B to amend Lakeside Village Community Unit Plan for 32 duplex units in 16 structures, 38 townhouse units in 8 structures, and 308 apartment units in 9 structures (5 36-plexes and 4 32-plexes) for the area generally located north of W. S, between I-80 and NW 18th Street.

The B Two-Family and C-Multiple districts were changed to R-4, and R-5, Residential during the **1979** zoning update.

On **December 2, 1974** City Council approved Special Permit #622A to amend the Community Unit Plan.

On **September 18, 1972** Special Permit Community Unit Plan was approved on the land generally south of Surfside Drive and Manchester Drive, west of Capitol Beach Boulevard consisting of 974 dwelling units in various configurations as follows;

The area west of the previous No. Coddington R.O.W. to I-80 consisted of 384 apartment units in 3 six-story 72-plexes, 3 four-story 48-plexes, and 2 three-story 36-plexes.

From No. Coddington east to N.W. 16th Street was comprised of 194 townhouse units with 23 six-plexes and 14 four-plexes.

Between N.W. 16th Street and Capitol Beach Boulevard there were 348 apartment units in 3 six-story 72-plexes, 2 four-story 48-plexes, and 1 three-story 36-plex.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as Urban Residential (page 39).

TRAFFIC ANALYSIS: West S Street and Lakeside Drive are both identified as local street s in the Comprehensive Plan (Page 91).

ANALYSIS:

1. This is a request to allow the maximum height for the area of the special permit to be increased to 36.5 feet.
2. Currently, the maximum height for the R-4 and R-5 Districts is 35 feet.
3. The Public Works & Utilities Department does not object to the requested height.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 An updated legal description.

2. This approval permits a maximum height of 36.5 feet

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

SPECIAL PERMIT NO. 622E, LAKESIDE VILLAGE COMMUNITY UNIT PLAN

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

February 6, 2002

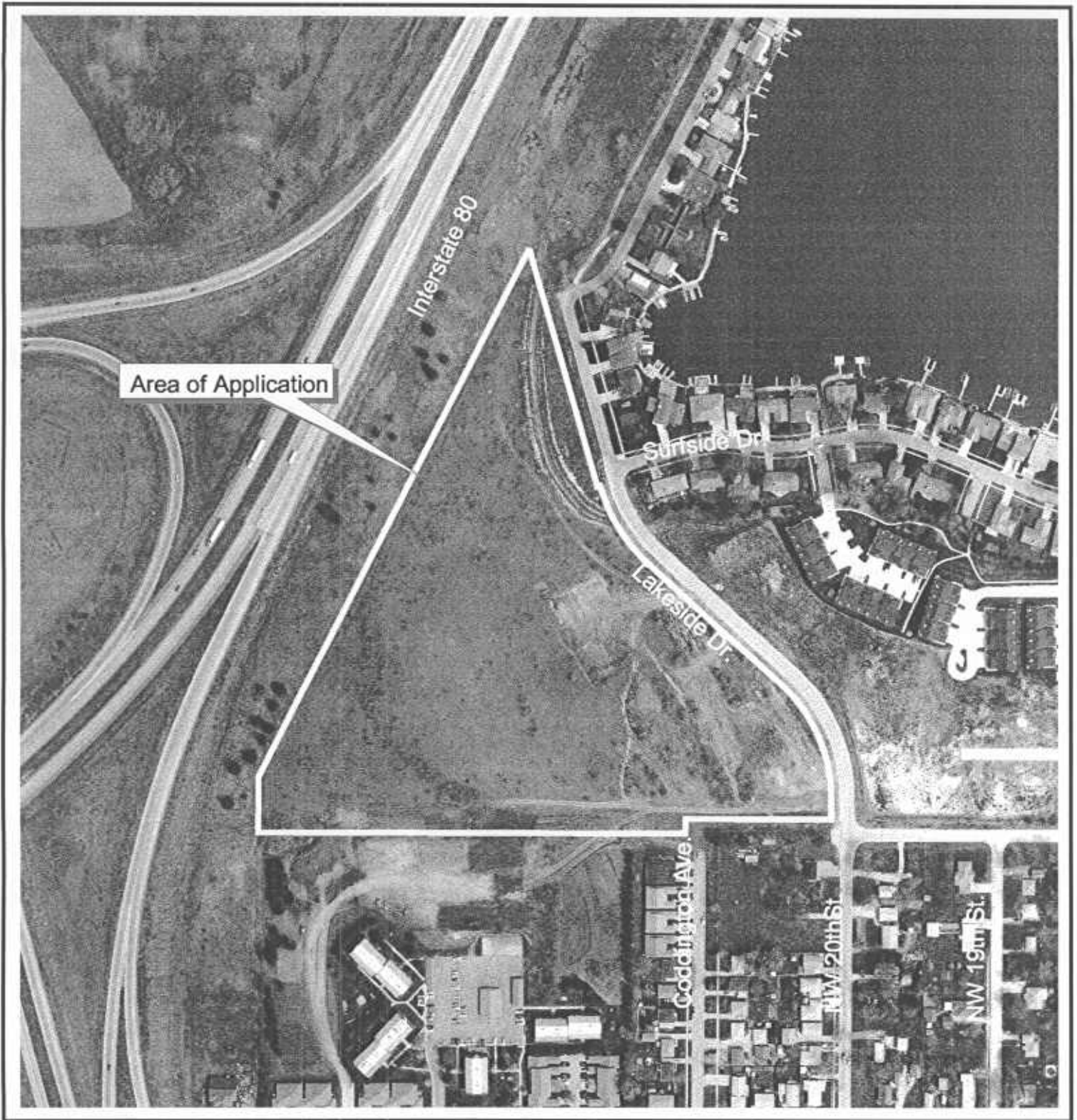
Members present: Bills, Carlson, Duvall, Krieser, Newman, Steward and Taylor; Hunter and Schwinn absent.

The Consent agenda consisted of the following items: **SPECIAL PERMIT NO. 622E, SPECIAL PERMIT NO. 1423E, SPECIAL PERMIT NO. 1948 AND STREET AND ALLEY VACATION NO. 01025.**

Item No. 1.4, Street and Alley Vacation No. 01025, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 7-0: Bills, Carlson, Duvall, Krieser, Newman, Steward and Taylor voting 'yes'; Hunter and Schwinn absent.

Note: This is final action on Special Permit No. 1948, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



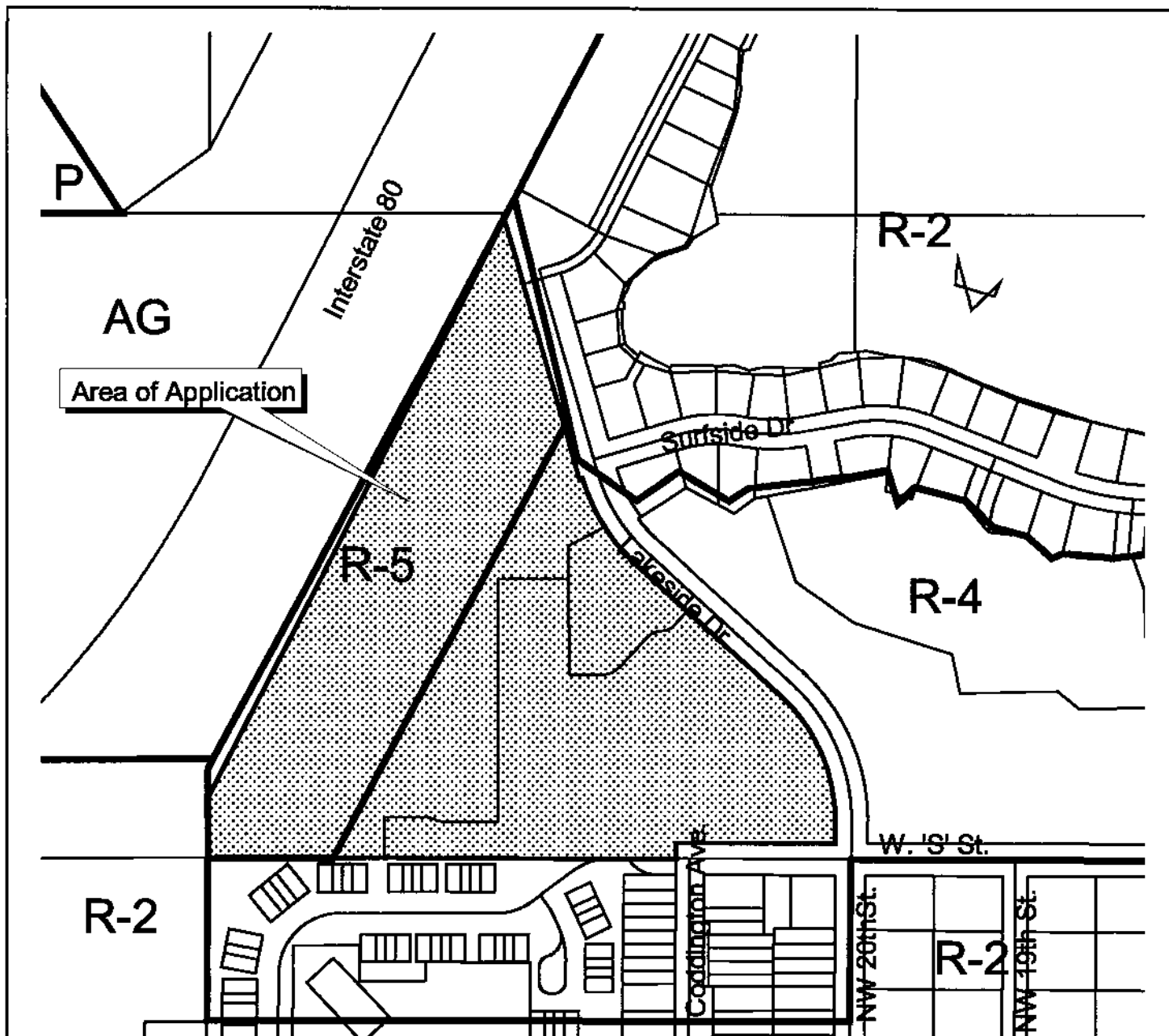
Special Permit #622E
W "S" St. and Lakeside Dr.



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Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

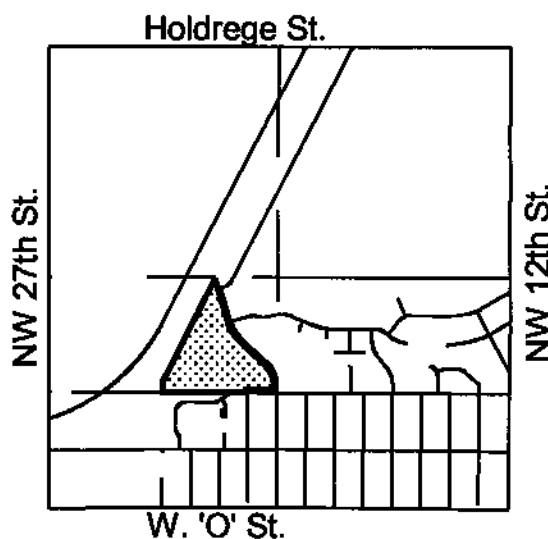
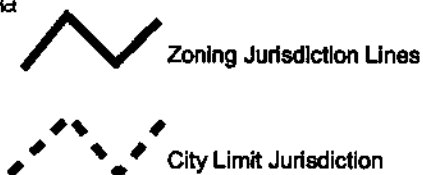


Special Permit #622E W "S" St. and Lakeside Dr.

Zoning:

R-1 to R-6	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R6E



008

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

Gary L. Aksamit
Thomas J. Fitchett
Mark A. Hunzeker
William G. Blake
Peter W. Katt
William C. Nelson
David P. Thompson
Patrick D. Timmer
Michael T. Johnson

1045 Lincoln Mall, Suite 200
P.O. Box 95109
Lincoln, Nebraska 68509

Fax (402) 476-7465
Telephone (402) 476-7621

January 22, 2002

JAN 23 2002

Becky Horner
Planning Dept.
555 S. 10th Street
Lincoln, NE 68508

Re: Special Permit No. 622E

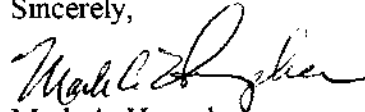
Dear Becky:

This letter is to certify that the owner of lots 1, 2, and Outlot B, Lakeside Village, the real estate included within the above-captioned special permit is Lakeside Partners, LLC.

In addition, as we discussed by phone, the purpose of the requested variance of the maximum height requirement for this community unit plan is to allow for construction of 9-foot ceilings in the apartments. Earlier buildings within this community unit plan have been constructed with 9-foot ceilings on the first and second floors, and 8-foot ceilings on the third. The result was a building which met the height requirement (but barely), but left the third floor apartments with lower ceilings. For the remaining buildings, the owners would like for all three floors to have 9-foot ceilings. I have requested 1.5-foot height variance to avoid any minor problems due to variations in the finish grade around the buildings.

If you have any further questions, feel free to call.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:la

M e m o r a n d u m

JAN 15 2002

To: Becky Horner, Planning Department

From: Charles W. Baker, Public Works and Utilities *CWB*

Subject: Special Permit # 622 C, Lakeside Village

Date: January 14, 2002

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for waiver of the maximum height requirement for the apartments located at West 'S' and Lakeshore Drive from 35' to 36.5'. Public Works has no direct objection.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02006**

Address

Job Description: **LAKESIDE VILLAGE**

Location: **LAKESIDE VILLAGE**

Special Permit: **Y 622C**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **BECKY**

JAN 17 2002

Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



INTER-DEPARTMENT COMMUNICATION

DATE January 24, 2002

TO Becky Horner, City Planning

FROM Sharon Theobald
(Ext. 7640)

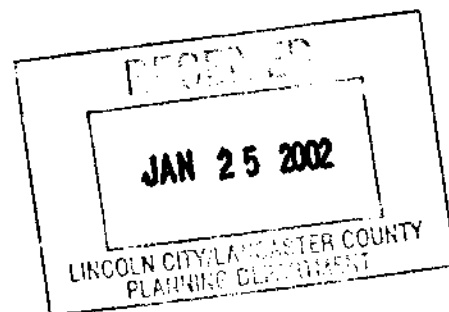
SUBJECT DEDICATED EASEMENTS
DN #5N-20W

Attached is the Special Permit Request for Lakeside Village.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO:DEDEAS.Frm